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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,176	09/14/2000	Toshiyuki Yamashita	325772019400	2043

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EXAMINER

CUFF, MICHAEL A

ART UNIT	PAPER NUMBER
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3627

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07/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/662,176	Applicant(s) YAMASHITA ET AL.	
	Examiner Michael Cuff	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In view of the Board decision mailed on 3/28/08, PROSECUTION IS HEREBY REOPENED. An office action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Per MPEP 1214.07, A Director has approved of reopening prosecution by signing below. The prosecution is being reopened for consideration of a new grounds of rejection. Only the issue of Official Notice was adjudicated in the above cited decision. Therefore, there is sufficient cause to reopen prosecution based on an evaluation of the prior art compared to the claim language.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the second and third transmitters claimed must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. (From applicant's appeal brief, it is assumed that data terminal 1 is the first transmitter.)

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is not clear, in light of the specification, what constitutes the three claimed transmitters. It is requested that applicant make the record clear as to what are the three claimed transmitters.

For the purposes of examination, the examiner is considering the transmitters to be network/Internet modems or access interfaces. Strong support for this assertion is found in applicant's drawings, Fig. 3, "modem" 52 and "modem" 72, and serial interfaces 42/12.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 6-17, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Okigami in view of Antziopoulos et al. and De Bonet.

Okigami shows all of the limitations of the claims except for specifically monitoring operation value compared to life value and specifying numerous transmitters.

Okigami shows, figure 1, a networked connected device 5 (terminal apparatus, copier) with storage section 11 (first memory), a communications section (controller, see figure 2b), and a network connection. There is a trouble management server 2 (management apparatus) connected to the Internet with storage section 21 (second memory).

Antziopoulos et al. teaches, figure 1, a copier system with monitors. In order to change these replacement components individually depending on the particular rated service life (life value), each replacement component is associated with its own level-of-use detector (operating value). See column 3, lines 34-36.

Based on the teaching of Antziopoulos et al., it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Okigami system to specifically monitor operation value compared to life value in order to change these replacement components individually.

De Bonet teaches an image classification and retrieval computer network system with a printer. Column 10, lines 61-66 teaches that modem or network interfaces for Internet access are equivalents containing appropriate circuitry to provide the necessary and corresponding connection required to physically connect and interface each differing source of data to a computer system.

Based on the teaching of De Bonet, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Okigami system to replace the network connections with multiple "transmitters" (interpreted to be modems or access interfaces, as discussed in the 112 rejection above) in order to provide a well known and simple means of data transfer.

From the Dictionary of Computing, a modem is an electronic device for converting between serial data from a computer and an audio signal suitable for transmission over a telephone line connected to another modem. A modem may either be internal or external. The actual speed of transmission in characters per second depends not just the modem-to-modem data rate, but also on the speed with which the processor can transfer data to and from the modem.

A claim map is provided for claim 1 for greater detail.

1. A parts-management system comprising:

a terminal apparatus; Okigami, figure 1, item #5

wherein said terminal apparatus includes:

a first memory Okigami, figure 2, item #11

which stores identification information of each part used in said terminal apparatus and an operation value corresponding to an operation of each part in a mutually related manner, and
From Okigami, column 4, lines 45-47
From Antziopoulos, column 3, lines 33-37

a controller of said terminal apparatus which performs a predetermined operation processing corresponding to an operation of each part and updates said operation value stored in said first memory when said part operates,
From Okigami, item # 12, sub-item #13 (figures 2 a & b)
From Antziopoulos, column 3, lines 45-56

a management apparatus for communicating with said terminal apparatus,
Okigami, figure 1, item #2, communicates with #5 via Internet #4

a first transmitter which transmits said identification information of each part and said operation value corresponding to said identification information to said management apparatus; and,
De Bonet teaches network interfaces of Okigami could also modems/transmitters. Operation values shown from Antziopoulos, column 3, lines 33-37 and 54-56.

a second transmitter which transmits a request signal for requesting a transmission of said operation value for at least one part, and
From Okigami, column 6, lines 59-62.
#12 is part of #5
#21 is part of #2

wherein said management apparatus includes: Okigami, figure 1, item #2,

a second memory which stores said identification information of each part and said operation value each sent by said first transmitter in a mutually related manner;
Okigami, figure 3, item #21, #21 is a sub of #8.
#8 is a sub of #2

a third transmitter which transmits said identification information and said operation value each stored in said second memory to said terminal apparatus in response to said request signal.

Okigami, column 11, lines 41-47

wherein said controller of said terminal apparatus updates, based on said identification information and said operation value of each part transmitted from said management apparatus, the corresponding operation value of said identification information stored in said first memory;

Okigami, column 7, line 58 to column 8, line 5.

This comes full circle to first memory definition - From, Okigami, column 4, lines 45-47

Response to Arguments

Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

In reply to appellant's reply brief, assertion "A" states that the Official Notice was a new grounds for rejection. This appears to be in error as the exact same rejection was made four times without argument or traverse.

Applicant's assertion "B" addresses only the teachings of Okigami, not the combination of Okigami and Antziopoulos.

Applicant's assertion "C" addresses obviousness. The examiner has followed the guidance of the Supreme Court Decision in KSR International Co. v. Teleflex Inc. Specifically, the guidance of applying known techniques to known art ready for improvement.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (571) 272-6778. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3600

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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